

Robert D. Infelise (California State Bar No. 93876)
 Peter M. Morrisette (California State Bar No. 209190)
 Cox, Castle & Nicholson LLP
 555 California Street, 10th Floor
 San Francisco, California 94104-1513
 Telephone: (415) 392-4200
 Facsimile: (415) 392-4250
 Email: rinfelise@coxcastle.com

Attorneys for the plaintiffs,
 DR Management, LLC; DR Acquisitions I, LLC; DR Holdings,
 LLC; Jennifer Lin; Frederick Lin; and Kevin Lin

Joseph P. Russoniello (California State Bar 44332)
 United States Attorney
 Thomas Moore (ASBN 4305-T780)
 Assistant United States Attorney, Chief, Tax Division
 Cynthia Stier (District of Columbia Bar No. 423256)
 Assistant United States Attorney
 10th Floor Federal Building
 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-7000; Facsimile: (415) 436-6748

Robert J. Higgins (District of Columbia Bar No. 242966)
 Trial Attorney, U.S. Department of Justice
 Bart D. Jeffress (Connecticut Bar No. 419184)
 Trial Attorney, U.S. Department of Justice
 555 4th Street., N.W., Room 8816
 Washington, D.C. 20001
 Telephone: (202) 307-6580; Facsimile: (202) 514-9440
 Email: robert.j.higgins@usdoj.gov

Attorneys for the defendant
 United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DR MANAGEMENT, LLC, et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 05-01010 MMC

**THIRD STIPULATION TO CONTINUE
 TRIAL DATE AND SUMMARY
 JUDGMENT MOTION HEARING DATE;
~~PROPOSED ORDER~~**

1 This stipulation between the plaintiffs (DR Management, LLC; DR Acquisitions, LLC;
2 DR Holdings, LLC; Jennifer Lin; Frederick Lin; and Kevin Lin) and the defendant (the United States
3 of America) is based on the following facts:

4 **RECITALS**

5 1. On February 7, 2008, the plaintiffs and the defendant filed a stipulation
6 (Document 145) (i) notifying this Court that the parties had reached a tentative settlement and (ii)
7 requesting that this Court continue the trial date and summary judgment hearing no less than four
8 months so as to provide the defendant with sufficient time to secure the necessary approvals from the
9 Department of Justice and the Internal Revenue Service and prepare the settlement papers.

10 2. On February 8, 2008, this Court issued an order (Document 146) approving in
11 part the stipulation to continue the trial date and summary judgment hearing date, and set the
12 following revised calendar in this action:

- 13 • Summary Judgment Motion Hearing: June 20, 2008
- 14 • Pretrial Filings, including Motions in Limine: July 1, 2008
- 15 • Opposition to Motions in Limine: July 8, 2008
- 16 • Pretrial Conference: July 15, 2008
- 17 • Trial Date: August 25, 2008

18 3. On February 20, 2008, the plaintiffs and the defendant filed a stipulation
19 (Document 147) (i) notifying this Court of a conflict that the plaintiffs' lead lawyer, Robert D.
20 Infelise, had with the schedule adopted by this Court. On February 21, 2008, this Court issued an
21 Order (Document 148) approving the stipulation and set the following revised calendar in this action:

- 22 • Summary Judgment Motion Hearing: July 18, 2008
- 23 • Pretrial Filings, including Motions in Limine: August 5, 2008
- 24 • Opposition to Motions in Limine: August 12, 2008
- 25 • Pretrial Conference: August 19, 2008
- 26 • Trial Date: September 29, 2008

1 4. Since February 7, 2008, the parties have been diligently working toward
2 finalizing and upon government approval for the tentative settlement. Specifically, the plaintiffs have
3 been responding to the Internal Revenue Service's requests for additional documents related to the
4 tentative settlement. The United States of America, on the other hand, has been diligently (i)
5 analyzing documents produced by the plaintiffs both before and after reaching a tentative agreement
6 and (ii) obtaining approvals from the various officials who must approve it. As this Court is aware,
7 any settlement must be reviewed by several officials within the Department of Justice, culminating
8 with final review and approval by the Associate Attorney General of the United States. To date, the
9 settlement has been reviewed and recommended by the Western Region of the Civil Trial Section of
10 the Tax Division, and reviewed by the Tax Division's Office of Review and forwarded to the Tax
11 Division's Acting Assistant Attorney General. Once he has approved the settlement, it must be
12 forwarded to the Associate Attorney General for final approval.

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TERMS

Based on these facts, the plaintiffs and the defendant agree to the following schedule:

- Summary Judgment Hearing – August 19, 2008
- Pretrial Filings and Motions in Limine – September 5, 2008
- Opposition to Motion in Limine – September 12, 2008
- Pretrial Conference – September 19, 2008
- Trial – October 29, 2008

July 2, 2008

Cox, Castle & Nicholson LLP

By: /s/ Robert D. Infelise

Robert D. Infelise
Attorneys for the plaintiffs,
DR Management, LLC; DR Acquisitions I, LLC;
DR Holdings, LLC; Jennifer Lin; Frederick Lin;
and Kevin Lin

July 1, 2008

United States Attorney
Joseph P. Russoniello, Esq.
Robert J. Higgins, Esq.
Bart D. Jeffress, Esq.

By: /s/ Robert J. Higgins

Robert J. Higgins
Attorneys for the defendant
United States of America

ORDER

Pursuant to the stipulation of counsel, ~~it is so ordered.~~ the Court finds good cause for the requested continuance. The specific dates proposed by the parties, however, require adjustment in light of the Court's calendar.

Accordingly, the Court continues the remaining dates, as follows:

Summary Judgment Hearing – August 29, 2008, at 9:00 a.m.

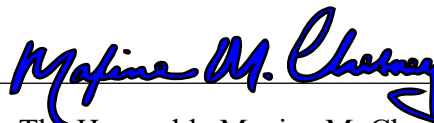
Pretrial Filing and Motions in Limine – September 19, 2008

Opposition to Motions in Limine – September 26, 2008

1 Pretrial Conference – October 7, 2008, at 3:00 p.m.

2 Trial – October 20, 2008, at 9:00 a.m.

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4 Date: July 3, 2008



5 The Honorable Maxine M. Chesney
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